

REMARKS

Claim 15 was rejected under 35 U.S.C. §102(e) as anticipated by Gutta et al. (US 6,424,273). Claims 1, 2, 4 to 9, 12 to 14 and 17 to 19 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Gutta et al. '273. Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gutta et al. '273 in view of Gutta et al. (US 6,424,272). Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gutta et al. '273 in view of Nishio (US 5,541,590). Claim 16 was objected to as being based upon a rejected base claim.

Reconsideration of the application based on the following remarks is respectfully requested.

Prior Art Rejections

Claim 15 was rejected under 35 U.S.C. §102(e) as anticipated by Gutta et al. (US 6,424,273). Claims 1, 2, 4 to 9, 12 to 14 and 17 to 19 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Gutta et al. '273. Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gutta et al. '273 in view of Gutta et al. (US 6,424,272). Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gutta et al. '273 in view of Nishio (US 5,541,590).

The applications for both Gutta et al. '273 and Gutta et al. '272 were filed on March 30, 2001.

The present application claims priority to German patent application DE 100 25 678.3, filed May 24, 2000, prior to the March 30, 2001 filing date of Gutta. A certified copy of the German priority document and a claim for priority were submitted with the filing of the present application on May 22, 2001.

It is thus respectfully submitted that both Gutta et al. '273 and Gutta et al. '272 are not prior art under either 35 U.S.C. §102 or under 35 U.S.C. §103.

Enclosed herewith please find a certified translation of the German priority document along with a statement that the translation is accurate, as required by 37 CFR 1.55(a)(4) to remove the Gutta patents and prior art. See MPEP 706.02.

Withdrawal of the rejections under 35 U.S.C. 102(e) and 103 is respectfully requested.

Appl. No.: 09/862,947
Amdt. dated August 17, 2004
Reply to Office Action of June 19, 2004

Claim Objections

Claim 16 was objected to as being based upon a rejected base claim but was indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In light of the fact that Gutta et al. '273 is not prior art, withdrawal of the objection is respectfully requested.

Appl. No.: 09/862,947
Amdt. dated August 17, 2004
Reply to Office Action of June 19, 2004

CONCLUSION

It is respectfully submitted that the present application is in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

William C. Gehris
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940